DAO_1274_2001
(Old No. 437 of 1998)

Hon'bl P.C. Verma, J.
Hon'ble B.S. Verma, J.

This appeal has been filed by the appellant-Oriental Insurance Company Ltd. only on the ground that the driver was not having a valid driving licence and, therefore, liability was of the owner of the vehicle in question. Learned counsel for the Insurance Company does not dispute the quantum of award.

In view of the law laid down by the Apex Court in (2004) 3 Supreme Court Cases, Page 297, National Insurance Company Ltd. versus Swarn Singh and others, the dispute between the insured and insurer, the appeal at the behest of the Insurance Company is not maintainable under Sec. 173 of the Mototr Vehicle Act, 1988. Therefore, the appeal is dismissed. No order as to costs.

However, it is open for the appellant to recover the amount of compensation from the owner of the vehicle in question.

(P.C. Verma, J.) (B.S. Verma, J.)

10.08.2004
P.Singh